GOVERNMENT OF ANDHRA PRDESH

ABSTRACT

PS – PR &RD Department - Allegations of irregularities in execution of works of CC roads, taken up under MGNREGS programme for the financial year 2012-13 executed by the PRI Division, Srikakulam – Disciplinary proceedings initiated against Sri A.Prabhakara Rao, the then Executive Engineer, PIU Division, Visakhapatnam (now retd.) – Charges partially proved in the Regular Enquiry – Representation received - Imposing a penalty of 5% cut in pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.48 **Dated:04 .02.2021.**

Read the following :

1. Vigilance & Enforcement Department, Vigilance Report No.58 (C.No.481-4/V&E/E2/20132), Dt.25.07.2015.
2. G.O.Rt.Nos.536 & 546, PR&RD (Vig.I) Department, Dt.31.05.2016.
3. From ENC, PR, AP, Lr.No.Vig.I(1)/3360/2015, Dt.22.03.2018, 14.05.2018 28.05.2018, 05.06.2018 & 19.07.2018.
4. G.O.Rt.No.38, PR&RD (Vig.I) Department, Dt.21.01.2019.
5. From Superintending Engineer, Panchayat Raj, Vizianagaram Dist., Lr.Rc.No.32/2019/A1, Dt.13.06.2019.
6. Govt.Memo.No.14449/Vig.I/2015, PR&RD (Vig.I) Department, Dt.31.12.2019.
7. From ENC, PR, AP, Lr.No.Vig.I(1)/3360/2015, Dt.11.02.2020.
8. Govt. Memo No.14449/Vig. I/2015, PR&RD (Vig. I) Dept., Dt: 09.07.2020.
9. From Sri A. Prabhakar Rao, E.E, PIU Division, Visakhapatnam (Now Retd.) representation dt: 3.08.2020.
10. Govt. Letter No.14449/Vig. I/2015, PR&RD (Vig. I) Dept., Dt: 12.11.2020.
11. From the Secretary, A.P. Public Service Commission, AP, Vijayawada, Letter No. 396/DC&C/2020, dt: 04.01.2021.

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O R D E R:

In the reference 2nd read above, Government initiated disciplinary proceedings duly framing the following article of charges against Sri A.Prabhakara Rao, the then Executive Engineer, PIU Division, Visakhapatnam (now retd.) in respect of allegations of irregularities in execution of works of CC roads, taken up under

P.T.O.,

MGNREGS programme for the financial year 2012-13 executed by the PRI Division, Srikakulam with a direction to submit his written statement of defence :

Charge:

That Sri A.Prabhakara Rao, Executive Engineer, PIU Division, Visakhapatnam has made payment to all the works without assessing the strength and made payment to the inferior quality of CC pavements without inspection and without check measuring any of the following six (6) works and loss caused to Government funds to a tune of Rs.16,29,310/-.

Work No.1:	Construction of CC road at Malamannayyapeta (H) of Lankam (GP) Srikakulam (M);
Work No.2:	Construction of internal roads and drains in SC/ST Localities Chilakapalem of Etcherla (M);
Work No.3:	Construction of CC roads and Drains in HW to Muktumpuram of Ranasthalam (M);
Work No-4:	Providing CC roads and Drains in SC Locality of B.Kuncharam of Ponduru (M);
Work No-5:	Construction of CC roads and drains in SC colony of Talada of Santhakavity (M);
Work No-6:	Construction of CC roads and Drains in SC colony of Gotiwada of Jalumuru (M);

2. In the reference 3rd read above, the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada has forwarded the written statement of defence of Sri A.Prabhakara Rao, the then Executive Engineer, PIU Division, Visakhapatnam(now retd.). As the same is not convincing, Government have decided to conduct regular inquiry into the matter. Accordingly, in the reference 4th read above, Government appointed the Superintendent Engineer, Panchayat Raj, Vizianagaram District as the Inquiring Authority to conduct inquiry into the charges framed against the charged officer the above charged officer including against nine (9) other co-charged officers involved in the case.

3. In the reference 5th read above, the Inquiring Authority has submitted inquiry report dt:13.06.2019, wherein the Inquiry Officer, among others, has held that charges are not proved in respect of Work Nos. 1,2,4,5 & 6 above. Further, the Inquiry Officer held that charge is partly proved in respect of work No. 3 against the charged officer Sri A.Prabhakara Rao, the then Executive Engineer, PIU Division, Visakhapatnam(now retd.).

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4. In the reference 6th read above, Government, among others, have communicated a copy of the inquiry report to the charged officer Sri A.Prabhakara Rao, the then Executive Engineer, PIU Division, Visakhapatnam (now retd.) for his representation on the findings of the Inquiry Officer.

5. In the reference 7th read above, the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada has forwarded the representation of Sri A.Prabhakara Rao, the then Executive Engineer, PIU Division, Visakhapatnam (now retd.) wherein the charged officer has requested to consider the findings of Inquiry Officer in respect of work Nos. 1,2,4,5 & 6 to drop further action. With regard to findings of Inquiry Officer holding that charge is partly proved in respect of work No.3, in terms of deficiency in thickness of CC pavement, the charged officer has stated that the CC pavement in thickness which was more than 20% was re-laid at the expense of executing agency and after relaying, the CC pavement is ranging from 180 to 190 mm and hence there is no loss. He has requested to reconsider the above matter and drop further action against him by taking a lenient view since all his pensionary benefits are pending due to the above case.

6. Government have examined the matter and observe that the Vigilance & Enforcement Department have conducted inspection and noticed deficiencies in the execution of the above works. After such inspection by the Vigilance only, the CC pavement was re-laid for the Work No.3 at the cost of executing agency subsequently. Otherwise, the same would have been carried out resulting substandard execution. As such the contention of the charged officer that the CC pavement was re-laid at the cost of executing agency in respect of work NO.3 and no loss is not tenable. The Charged Officer failed to discharge his legitimate duties and not absolved from the charge. He is responsible and hence his contention to exonerate him from the charge in respect of work No.3 by taking a lenient view is devoid of merits.

7. In view of the above, Government after examination of the matter, have taken a provisional decision to impose a penalty of 5% cut in pension for a period of two (2) years against Sri A. Prabhakar Rao, Executive Engineer (Retd.) under Rule 9 of A.P Revised Pension Rules, 1980. Accordingly, in the above reference 8th read above, Government have communicated the above provisional decision to the charged officer calling for his representation if any in the matter. In reply to this, A. Prabhakar Rao, the then Executive Engineer, PIU Division, Visakhapatnam (Now Retd.) vide reference 9th read above, has submitted his representation vide reference 9th read above, duly stating that he was retired from service and pension and terminal benefits are pending. As such he has no option except to bow his head and requested to conclude the action at an early date.

P.T.O.,

8. Government have examined the representation of the Charged Officer and decided to proceed further with the above proposed penalty as he did not submit any new grounds for consideration and accordingly addressed the A.P. Public Service Commission for their concurrence vide references 10th read above.

9. In the reference 11th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer and advised to take action accordingly.

10. Government, after careful examination of the matter, hereby impose the penalty of 5% cut in pension for a period of two (2) years against Sri A. Prabhakar Rao, former Executive Engineer, PIU Division, Visaskhapatnam (now Retired) under Rule 9 of A.P. Revised Pension Rules, 1980 in the matter.

11. The Engineer-in-Chef, Panchayat Raj, A.P, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A. Prabhakar Rao, former Executive Engineer, PIU Division, Visaskhapatnam (now Retired)
through the Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada (with a request to serve the order on the individual and furnish the served copy)

Copy to:
The Secretary to Vigilance Commission, Andhra Pradesh Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission, Vijayawada.
The Accountant General, A.P, Hyderabad.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER